



FACT SHEET: The So-Called “Midnight Rules Relief” Act (S. 34/H.R. 21) is Another Attempt to Rig the Rules in favor of Republican Special-Interest Cronies

- *Republicans have sponsored this bill to help special interests continue rigging the system against working families.*
- *This bill would rig the rules to let Republicans fast track rolling back rules that protect American families.*
- *And this bill goes even further by hampering future efforts to protect things like clean air, fair pay, health and safety for families.*

This bill would bulldoze the voices of regular Americans

S. 34/H.R. 21 would undo important Obama Administration regulations en masse. Through the Congressional Review Act, Congress has the authority to deliberate individual rules and overturn them after their finalization. S. 34 /H.R. 21 would allow a single vote to wipe out dozens of rules at a time, erasing “millions of hours of public input and review” and serving to “effectively shorten the term of office of a president.” [The Fiscal Times, [11/22/16](#)]

Several important public interest rules would be subject to Republican veto. Some examples of regulations that S. 34/H.R. 21 could target:

- **The Department of Labor rule mandating paid sick days to over half a million workers.** [[GAO](#)]
- **The Department of Housing and Urban Development rule establishing a more effective fair market rent system** [[GAO](#)]
- **The Environmental Protection Agency rule to increase fuel efficiency for heavy-duty engines and vehicles** [[GAO](#)]

Republicans hope to repeal safeguards for special interests while keeping the public in the dark. By packaging several rules into a single vote, the GOP is attempting to “avoid public scrutiny about what rules are being rolled back,” according to the Environmental Defense Fund. The rulemaking process is subject to open public scrutiny, as are votes under the Congressional Review Act. S. 34/H.R. 21 would “bring the dark of night to Congress” and the regulatory process, allowing special interests and donors to call the shots with no accountability. [The Hill, [1/9/17](#)]

S. 34/H.R. 21 tries to solve problems that don’t exist

The bill has “a flawed premise.” The “Midnight Rules Relief Act” claims to target last minute regulations. However, its name is misleading. A group of over forty “consumer, small business, labor, good government, financial protection, community health, environmental, civil rights and public interest groups” strongly oppose S. 34/H.R. 21, writing in a letter that “the vast majority of the public health and safety regulations this bill would target have been in the regulatory process for years or decades.” [Public Knowledge, [1/3/17](#)]

- **A recent study by Public Citizen shows that regulations finalized in the final year of recent president’s terms “had an average rulemaking length of 3.6 years.”** [Public Citizen, [7/28/16](#)]

Congress already has oversight over the regulatory process. The Congressional Review Act allows a joint resolution from both houses to overturn an agency regulation. Regulations must be taken up one at a time. This bill would “allow lawmakers to bundle a variety of rules finalized since May together for a single vote of disapproval,” giving the GOP broad powers to slash several important Administration rules. [Reuters, [1/5/17](#)]

Small businesses say that this isn’t their top priority. The GOP claims that the regulations that they will roll back are killing jobs. The American Sustainable Business Council cites a national poll in a letter opposing S. 34/H.R. 21 that show that “small businesses don’t see regulations as a major concern.” In fact, 78% believe that “regulations are important in protecting small businesses” from unfair practices. [ASBC, [11/15/16](#)]

S. 34/H.R. 21 would continue to block new health and safety protections well into the future

The bill doesn’t just affect finalized rules – it could hold back important protections for years to come. A regulatory agency that has a rule overturned by Congress under S. 34/H.R. 21 would be barred from bringing forward rules that are “‘substantially the same’ in the future, unless specifically authorized to do so by a future act of Congress.” This would “*permanently* block agencies from addressing threats to public health and safety.” [CSS, [1/3/17](#)]